

Message Text

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ACTION EB-07

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FMC-02 INR-07 NSAE-00 RSC-01 CG-00 COA-01 DLOS-05 L-02

FRB-01 OMB-01 TAR-01 SP-02 AGR-10 AID-05 LAB-04

OIC-02 SIL-01 STR-04 TRSE-00 CIEP-02 CEA-01 AF-06

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SUBJECT: 4TH SESSION OF WORKING GROUP ON SHIPPING LEGISLATION

REF: GENEVA 0652

1. CONTACT GROUP REACHED AGREEMENT ON REVISION
OF PROPOSAL OF GROUP OF 77 FORWARDED REFTEL. PROPOSAL
SUBMITTED BY CHAIRMAN AT FRIDAY MORNING SESSION. AS
REVISED, TEXT READS AS FOLLOWS: BEGIN TEXT:

1. THE WORKING GROUP REQUESTS THE UNCTAD SECRETARIAT TO
CARRY OUT THE FOLLOWING STUDIES:

(I) ON TIME CHARTER PARTIES. A COMPARATIVE ANALYSIS
OF THE THREE MAIN FORMS OF TIME CHARTER PARTIES, THE
BALTIME, THE NEW YORK PRODUCE EXCHANGE AND LINERTIME, CON-
CENTRATING ON THE FOLLOWING CLAUSES INCLUDING GENERALLY
USED ADDITIONS AND AMENDMENTS THERETO:

CLAUSES RELATING TO LIABILITY FOR LOSS AND DAMAGE
TO CARGO; GENERAL AVERAGE CLAUSE; CANCELLING CLAUSE;
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ARBITRATION CLAUSE; INDEMINITY CLAUSE; NOTICE CLAUSE.

(II) ON VOYAGE CHARTER PARTIES. A COMPARATIVE ANALYSIS OF PRINCIPAL CLAUSES, INCLUDING THOSE MENTIONED IN (I) ABOVE, THE DEVIATION CLAUSE, AND THE PARAMOUNT CLAUSE, IN REGARD TO SHIPMENTS OF MAIN INTEREST TO DEVELOPING COUNTRIES, E.G. GRAIN, SOYA, RICE, FERTILIZERS AND PHOSPHATES, ORE, TIMBER, CEMENT, SUGAR, COPRA, LIVESTOCK AND OIL.

(III) A REVIEW IN THE INTEREST OF THE STUDIES SET OUT ABOVE, OF THOSE CLAUSES IN ORDER TO DETERMINE THEIR RELATIVE IMPACT ON THE DIFFERENT PARTIES.

2. IN CONJUNCTION WITH THE ABOVE STUDIES THE SECRETARIAT IS REQUESTED TO SUBMIT ADDITIONAL DATA TO THE WORKING GROUP AT ITS SEVENTH SESSION TO ENABLE IT TO DECIDE WHETHER THERE ARE:

(A) CLAUSES SUSCEPTIBLE TO STANDARDIZATION HARMONIZATION, OR IMPROVEMENT WITH A VIEW TO BRINGING ABOUT AN EQUITABLE BALANCE OF RIGHTS AND OBLIGATIONS OF THE DIFFERENT PARTIES;

(B) ASPECTS OF CHARTER PARTIES SUITABLE FOR INTERNATIONAL LEGISLATIVE ACTION;

(C) POSSIBILITIES OF ARRIVING AT AGREED DEFINITIONS OF BASIC TERMS USED IN CHARTER PARTIES.

3. ON THE BASIS OF THE DECISIONS REFERRED TO IN (A), (B) AND (C) ABOVE, THE WORKING GROUP SHOULD DECIDE WHAT FURTHER ACTION IT DEEMS NECESSARY.

4. THE STUDIES REQUESTED ABOVE SHOULD BE PREPARED IN SUFFICIENT TIME TO REACH THE GOVERNMENTS OF STATES MEMBERS OF UNCTAD THREE MONTHS BEFORE THE SEVENTH SESSION. END TEXT

2. PROCEDURAL DECISIONS WERE MADE AS FOLLOWS:

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(A) MARINE INSURANCE WILL PRECEDE GENERAL AVERAGE IN WORK PROGRAMME;

(B) MARINE INSURANCE WILL NOT BE DISCUSSED BEFORE THE SECOND HALF OF 1976 BECAUSE SECRETARIAT WILL NOT BE AVAILABLE UNTIL THEN;

(C) THE SECRETARIAT, IN CONSULTATION WITH THE

BUREAU, WILL DECIDE WHEN NEXT SESSION WILL BE HELD. NEXT SESSION WILL EITHER BE IN JANUARY, 1976 OR IN THE SECOND HALF OF 1976. THIS DEPENDS ON WHEN UNCTRAL CONCLUDES ITS WORKS ON BILLS OF LADING. IF UNCTRAL WORKING GROUP COMPLETES WORK IN 1975, UNCTAD WILL CONSIDER BILLS OF LADING IN JANUARY, 1976 IN ORDER TO HAVE COMMENTS AVAILABLE FOR UNCTRAL CONSIDERATION IN MID-1976. (GROUP B WAS UNABLE TO AVOID UNCTAD GIVING WHOLE 2-WEEK SESSION TO CONSIDERATION OF THIS SUBJECT.) IF UNCTRAL WORKING GROUP DOES NOT CONCLUDE WORK UNTIL 1976, HOWEVER, NEXT UNCTAD SESSION WILL BE HELD IN SECOND HALF OF 1976 AND CONSIDER MARINE INSURANCE.

(D) IT WOULD BE PREMATURE FOR THIS WORKING GROUP TO CONSIDER THE SUBJECT OF "RECEIVED FOR SHIPMENT" BILLS OF LADING, DESPITE THE SUGGESTION DURING THE SIXTH SESSION OF THE COMMITTEE ON SHIPPING THAT THE SECRETARIAT SHOULD SEEK THE VIEWS OF THIS WORKING GROUP ON THIS SUBJECT, UNTIL THE UNCTRAL WORKING GROUP COMPLETES ITS WORK ON BILLS OF LADING. DALE

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